IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23675 of 2004

Between:

M/s.Standard Medical &Pharmaceuticals Ltd rep by its General Manager (finance) N. Ravi Kumar, S/o. N.C. Lachanna, 6-3-652,Kautilya, Somajiguda , Hyderabad.

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner Regional Office, Barkathpura, Hyderabad-27.
2 The Assistant Provident Fund Commissioner Regional Office, Barkathpura, Hyderabad-27.
3 The Recovery Officer Regional Office, Hyderabad.

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the revised demand notice bearing No.AP/HYD/CIRCLE 29/Damages/AP/16379/CA/7865 dt 29th March,2004 for Rs.12,61.368/- issued by the respondents and its consequential warrant of attachment sale No.AP/16379/R.Cell/PDRC No.750/04/139 dated 13-8-2004 and AP/42252/RC.No.03/04/2004/1321 dt 9-9-2004 are illegal, arbitrary in nature against principles of natural justice and bad in law and set aside the same and direct the respondents to reopen the assessment and provide an opportunity of hearing the case of the petitioner herein otherwise the petitioner will sustain irreparable loss and injury and pass such further or other orders .

Counsel for the Petitioner:MS.G.SUDHA

Counsel for the Respondents: MR.R.N.REDDY

The Court at the stage of admission made the following :

ORDER:

An order under section 14 B and & 7 (Q) of the Employees Provident Funds and Miscellaneous Act, 1952 (for short the Act) was issued to the petitioner company on 22-8-2003 directing to remit an amount of Rs.13,85,635/- towards Provident Fund contributions and interest. Pursuant thereof the petitioner stated to have paid an amount of Rs.2,00,000/- on 29-3-2004. Thereafter, a revised demand notice dated 29-3-2004 was issued demanding an amount of Rs.12,61,368/- which includes an amount of Rs.3,09,131/- towards interest and Rs.9,52,237/- towards damages. Thereafter on 13-8-2004 warrant of attachment of movable property was passed. Questioning the said notice dated 29-3-2004 and attachment order dated 13-8-2004, the present writ petition is filed.

Learned Standing Counsel for respondent Mr.R.N.Reddy submits that against the impugned orders an appeal lies under Section 7 (I) of the Act and that without availing the said remedy the petitioner has approached this Court in a haste manner.

Since alternative efficacious remedy is provided under the act, the petitioner is at liberty to file an appeal under Section 7 (I) of the Act, within a period of four weeks from today. Pending appeal, there shall be stay of all further proceedings pursuant to notice dated 29-3-2004 on condition of petitioner depositing 50% of the amount demanded within six weeks from today. Till such time, no coercive steps shall be taken by the respondents.

Subject to above observation, the writ petition is disposed of at the stage of admission.

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N.V.RAMANA,J

20-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Provident Fund Commissioner Regional Office,
Barkathpura, Hyderabad-27.
2 The Assistant Provident Fund Commissioner Regional Office,
Barkathpura, Hyderabad-27.
3 The Recovery Officer Regional Office,
Hyderabad.

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